

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

**HOLLIS DALTON BROOMES
DOLORES BROOMES**

**10-81327
CHAPTER 13**

**CONSENT ORDER OVERRULING DEBTORS'
OBJECTION TO CLAIM**

THIS CAUSE coming on to be heard before the undersigned Bankruptcy Judge, and it appearing to the Court that Wells Fargo Bank, NA, the creditor, and the Debtors have agreed and consented to the entry of this Order Overruling the Debtors' Objection to Claim pursuant to the agreement of the parties as set forth below:

NOW THEREFORE, with the agreement and consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. On July 28, 2010, the Debtors, Hollis Dalton Broomes and Dolores Broomes, filed a petition with the Bankruptcy Court for the Middle District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. On the date the petition was filed, the Debtors were the owners of real property ("Property") located at 508 Maymount Dr, Durham, NC 27703.
3. The Property is subject to the first lien of the Wells Fargo Bank, NA by Deed of Trust recorded in the Durham County Public Registry ("Deed of Trust").
4. Said Deed of Trust secures a Note from the Debtors to Prestar Mortgage, Inc., in the original principal amount of \$169,320.00, dated July 12, 2001 ("Note").

5. The Note and Deed of Trust have been transferred and assigned to Wells Fargo Bank, NA.
6. On August 16, 2010, Wells Fargo Bank, NA filed a secured claim that included pre-petition arrears of \$24,857.29 and a total secured claim of \$190,923.23. On October 4, 2010, Wells Fargo Bank, NA filed an amended claim that included pre-petition arrears of \$26,499.62 and a total secured claim of \$190,923.23 (collectively referred to as “pre-petition arrears claim”).
7. On October 8, 2010, the Debtors filed an Objection to the secured claim of Wells Fargo Bank, NA.
8. Wells Fargo Bank, NA and the Debtors have agreed and consented to entry of this Order as shown by the signatures of counsel for the parties appearing below.

NOW THEREFORE, by virtue of the law and by reason of the premises aforesaid, and the consent of the parties, it is Ordered, Adjudged and Decreed as follows:

- A. The objection to claim is overruled.
- B. The pre-petition arrears claim is amended as follows:

Pre-petition payments for September 1, 2009 – November 1, 2010	\$24,045.46
Late Charges	\$129.10
Escrow Shortage	\$83.23
Attorneys Fees-POC/Plan Review	\$250.00
Foreclosure Fees & Costs	\$927.18
Total Pre-petition Arrears Claim	\$25,434.97

- C. Each party shall bear their own attorneys fees and costs associated with the Objection to Claim.
- B. The Trustee shall adjust his records as necessary to accommodate the amended claim as described in Paragraph B above.

Agreed and consented to this 21st day of June, 2011.

s/Kimberly A. Sheek
Kimberly A. Sheek, Attorney for Wells
Fargo Bank, NA
N.C. State Bar No.: 34199

Agreed and consented to this 22nd day of June, 2011.

s/Koury L. Hicks
Koury L. Hicks, Attorney for Debtors
N.C. State Bar No. 36204

No objection this the 22nd day of June, 2011.

s/Richard M. Hutson
Richard M. Hutson, II, Trustee

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CERTIFICATE OF SERVICE

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